IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.376 OF 2005

Animal Welfare Board of India
Ministry of Environment and
Forest, Government of India Petitioner

versus

State of Maharashtra and others Respondents

Mr.K.K.Tated, adv. for petitioner.

Mr.R.M.Sawant, GP for respondents 1 and 2.

Ms.P.A.Purandare, adv. for respondent no.3.

T.N.Subramaniam i/by Narayanan & Narayanan, adv. for respondent no.4.

CORAM : H.L.GOKHALE AND
S.C.DHARMADHIKARI, JJ.

DATE : 25th February 2005

PC :

1. Heard Mr.Tated in support of this petition, Mr.Sawant, Government Pleader for respondent no.1 and Mr.Subramaniam for respondent no.4.

2. This petition is filed by the Animal Welfare Board of India which is an authority created under the Prevention of Cruelty of Animals Act, 1960. The petition is filed making a grievance

that although the petitioner Board is writing to respondents 1 to 3 authorities that registration with them ought to be insisted before any Circus makes a performance with the animals, there is no response from respondents 1 to 3.

3. Mr.Dilip Sahebrao Chavan, Senior Inspector of Police, Theatre Branch, Office of the Commissioner of Police has filed an affidavit and in para no.3 he has stated that as per the procedure followed by the Police, the licences insofar as the Circuses are concerned, are granted by the Police only if the Circuses obtain necessary permissions, NOCs etc. of the concerned authorities including the petitioners abovenamed i.e. Animal Welfare Board of India. Mr.Tated is satisfied with this statement.

4. Ms.Purandare appearing for respondent no.3 Municipal Corporation has drawn our attention to Corporation's letter dated 17th February 2005 addressed to respondent no.4 who are the Agents of Russian Circus informing them that they can put up the Shamiana and other facilities for the circus and permission from statutory authorities should be obtained for the performance of animals etc. which includes permission of petitioner.

5. Mr.Tated is satisfied with the affidavit filed by the State Government as also letter of the Municipal Corporation and he does not press the petition any more.

6. However, Mr.Subramanium who appears for Event Managers for the circus states that respondent no.4 would like to start the circus without the use of animals. They will write in that behalf to the authorities and police and we expect the Police to consider the application on its merits.

7. Mr.Subramanium further states that without prejudice to the submissions of respondent no.4 that the Russian Circus is not covered under the Act, respondent no.4 will apply to the petitioner Board or their Agents in Mumbai today itself. We expect the petitioner Board to consider the application and decide the same within one week as stated by Mr.Tated on outer side. Needless to state that if performance of animals is introduced at any later point of time, necessary registration from authorities will be obtained. Petition disposed of.

(H.L.GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)